

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32576 of 2017

Arising Out of PS.Case No. -4 Year- 2016 Thana -AIRPORT District- PATNA

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1. Sikandar Paswan, S/o Radhey Paswan, resident of Village- Bakharpur,
P.S.- Pirpaiti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asmita Kumari, W/o Sikandar Paswan, D/o Amit Paswan, at present
residing at Amukunda B.M.P.-5 Patna family Government residence
(West side of Jail Campus), P.S. Hawaii Adda District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP
Mr. Madan Jeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 21-09-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in Hawaii Adda P.S.

Case No.04 of 2016 instituted for the offence under Section(s)
498-A Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

Both husband and wife have appeared. Mother of
the wife has also appeared.

Petitioner is working as Constable in CRPF and at
present he is posted at Jamshedpur. He is ready to keep the wife.
He has stated that he has not performed second marriage. In
support of such, he has filed Supplementary Affidavit annexing



report of the DIG, CRPF, Jamshedpur, wherein, it has been mentioned that after enquiry it was found that petitioner has not performed any other marriage. A petition along with other documents have been annexed with the Supplementary Affidavit to show that the girl, Choti Kumari, with whom it is alleged that the petitioner has performed marriage, is already married with Mritunjay Paswan, who is cousin brother of this petitioner.

Wife and her mother are present. The wife has stated that at present she is student of Patna Arts College and is pursuing her study.

From the conduct of the wife, it appears that she is not ready to live with husband.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Hawai Adda P.S. Case No.04 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st class, Patna, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the



jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

JA/-

(Sanjay Priya, J)

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